

§ 375.1

49 CFR Ch. III (10–1–01 Edition)

EDITORIAL NOTE: Nomenclature changes to part 375 appear at 66 FR 49871, Oct. 1, 2001.

§ 375.1 Applicability and definitions.

(a) The regulations in this part are applicable to the operations of motor carriers engaged in the transportation of household goods as defined in paragraph (b)(1) of this section in interstate or foreign commerce.

(b) *Definitions.* As used in this part:

(1) *Household goods.* The term “household goods” means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling and such other similar property as the FMCSA may provide by regulation; except that this definition shall not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by the householder.

(2) *Reasonable dispatch.* The term “reasonable dispatch” means the performance of transportation, excluding transportation provided under tariff provisions requiring guaranteed service dates, on the dates or during the period of time agreed upon by the carrier and the shipper and shown on the Order For Service/Bill of Lading, *Provided*, That the defenses of force majeure as construed by the courts shall not be denied the carrier.

(3) *Advertisement.* The term “advertisement” means any communication to the public in connection with an offer or sale of any interstate or foreign transportation service, but shall not be construed to include a listing of a carrier name, address, and telephone number in a telephone directory or similar publication.

(4) *Certified Scales.* As used in this part, a certified scale is any scale designed for weighing motor vehicles, including trailers or semi-trailers not attached to a tractor, and certified by an authorized scale inspection and licensing authority. A certified scale may also be a platform or warehouse type scale properly inspected and certified.

(5) *Individual Shipper.* As used in this part, “individual shipper” refers to any person who is the consignor or con-

signee of a household goods shipment and is identified as such in the bill of lading contract and owns the goods being transported.

(6) *Commercial Shipper.* As used in this part, “commercial shipper” refers to (a) any person, excluding the federal government, who is named as the consignor and/or consignee in a bill of lading contract who is not the owner of the goods being transported but who assumes the responsibility for payment of the transportation and other tariff charges for the account of the beneficial owner of the goods, normally an employee of the consignor and/or consignee; or, (b) a freight forwarder which tenders a shipment to a carrier in furtherance of authorized or exempt freight forwarder operations.

(7) *Government Bill of Lading Shipper.* As used in this part, “government bill of lading shipper” refers to any person whose property is transported under the terms and conditions of a government bill of lading issued by any department or agency of the federal government to the carrier responsible for the transportation of the shipment.

(8) *Other terms.* Where any other terms used in the regulations in this part are defined in 49 U.S.C. 13102, such definitions shall be controlling. Where terms are used in this part which are neither defined herein nor in 49 U.S.C. 13102, they shall have the ordinary practical meaning of such terms.

[46 FR 16218, Mar. 11, 1981; 46 FR 22594, Apr. 20, 1981, as amended at 65 FR 58664, Oct. 2, 2000]

§ 375.2 Information for shippers.

(a) Prior to the execution of an order for service of a shipment of household goods, as defined in § 375.1(b)(1), every motor common carrier holding out to perform the service shall cause to be furnished to the prospective individual shipper the following publications.

(1) Publication OCE–100, *Your Rights and Responsibilities When You Move*.

(2) A concise, easy-to-read, accurate summary of any dispute settlement program in which the carrier participates, as provided in 49 U.S.C. 14708 and approved by the FMCSA.

(3) A copy of Form OCE–101, *Annual Performance Report*, most recently filed with the FMCSA, as prescribed in